United Nations A/71/L.55

General Assembly

Distr.: Limited
27 January 2017

Original: English

**Seventy-first session**
Agenda item 30
**The role of diamonds in fuelling conflict**

**Angola, Australia, Austria, Belgium, Botswana, Bulgaria, Croatia, Czechia, Denmark, Estonia, Finland, France, Germany, Italy, Japan, Latvia, Morocco, Poland, Portugal, Romania, Russian Federation, Singapore, Slovakia, Slovenia, Spain, Switzerland, Ukraine and United Arab Emirates: draft resolution**

# The role of diamonds in fuelling conflict: breaking the link between the illicit transaction of rough diamonds and armed conflict as a contribution to prevention and settlement of conflicts

*The General Assembly*,

*Recognizing* that the trade in conflict diamonds continues to be a matter of serious international concern, which can be directly linked to the fuelling of armed conflict, the activities of rebel movements aimed at undermining or overthrowing legitimate Governments and the illicit traffic in and proliferation of armaments, especially small arms and light weapons,

*Recognizing also* the devastating impact of conflicts fuelled by the trade in conflict diamonds on the peace, safety and security of people in affected countries, and the systematic and gross human rights violations that have been perpetrated in such conflicts,

*Noting* the negative impact of such conflicts on regional stability and the obligations placed upon States by the Charter of the United Nations regarding the maintenance of international peace and security, and recognizing that continued action to curb the trade in conflict diamonds is imperative,

*Noting with appreciation* that the Kimberley Process, as an international initiative led by Participants, has pursued its deliberations on an inclusive basis involving concerned stakeholders, including producing, exporting and importing States, the diamond industry and civil society, as well as applicant States and international organizations,

*Recalling* that the elimination of conflict diamonds from legitimate trade is the primary objective of the Kimberley Process, and stressing the need to continue its activities in order to achieve this objective,



Please recycle

*Welcoming* the important contribution of the Kimberley Process, which was initiated by African diamond-producing countries, and calling for the consistent implementation of commitments made by Kimberley Process Participants and the diamond industry and civil society organizations, as Observers,

*Acknowledging* the successful role that the Kimberley Process has played, in the last 14 years, in stemming the flow of conflict diamonds and the significant developmental impact it has had in improving the lives of people dependent on the trade in diamonds, and noting that the plenary meeting of the Kimberley Process, in looking towards the future, committed to continue to ensure that the Kimberley Process remains relevant as a credible tool in curbing the illegal flow of rough diamonds,

*Acknowledging also* that the diamond sector is an important catalyst for promoting economic and social development, which are necessary for poverty reduction and meeting the requirements of the Sustainable Development Goals in many producing countries, particularly in developing countries,

*Recalling* its resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which it adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, committed itself to working tirelessly for the full implementation of the Agenda by 2030, recognized that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, and expressed its commitment to achieving sustainable development in its three dimensions — economic, social and environmental — in a balanced and integrated manner and to building upon the achievements of the Millennium Development Goals and seeking to address their unfinished business,

*Bearing in mind* the positive benefits of the legitimate diamond trade to producing countries, and underlining the need for continued international action to prevent the problem of conflict diamonds from negatively affecting the trade in legitimate diamonds, which makes a critical contribution to the economies of the producing, exporting and importing States,

*Noting* that the vast majority of rough diamonds produced in the world are from legitimate sources,

*Noting* that the plenary meeting of the Kimberley Process thanked the 2016 Chair of the Kimberley Process for organizing the special forum on synthetic diamonds as an information session and the discussion regarding non-disclosure of synthetic diamonds held in the margins of the Kimberley Process meetings,

*Recalling* the Charter and all the relevant resolutions of the Security Council related to conflict diamonds, and determined to contribute to and support the implementation of the measures provided for in those resolutions,

*Recalling also* Security Council resolution 1459 (2003) of 28 January 2003, in which the Council strongly supported the Kimberley Process Certification Scheme[1] as a valuable contribution against trafficking in conflict diamonds,

[1] See A/57/489.

*Noting with satisfaction* that the implementation of the Kimberley Process Certification Scheme continues to have a positive impact in reducing the opportunity for conflict diamonds to play a role in fuelling armed conflict and helps to protect legitimate trade and ensure the effective implementation of the relevant resolutions on trade in conflict diamonds,

*Acknowledging* that lessons learned from the Kimberley Process may be useful for the work of the Peacebuilding Commission in its consideration of the countries included in its agenda, as appropriate,

*Recalling* its resolutions 55/56 of 1 December 2000, 56/263 of 13 March 2002, 57/302 of 15 April 2003, 58/290 of 14 April 2004, 59/144 of 15 December 2004, 60/182 of 20 December 2005, 61/28 of 4 December 2006, 62/11 of 26 November 2007, 63/134 of 11 December 2008, 64/109 of 11 December 2009, 65/137 of 16 December 2010, 66/252 of 25 January 2012, 67/135 of 18 December 2012, 68/128 of 18 December 2013, 69/136 of 12 December 2014 and 70/252 of 22 January 2016, in which it called for the development and implementation as well as a periodic review of proposals for a simple, effective and pragmatic international certification scheme for rough diamonds,

*Welcoming*, in this regard, the implementation of the Kimberley Process Certification Scheme in such a way as not to impede the legitimate trade in diamonds or impose an undue burden on Governments or industry, particularly smaller producers, nor hinder the development of the diamond industry,

*Welcoming also* the decision of the 54 Kimberley Process Participants, representing 81 countries, including the 28 States members of the European Union represented by the European Commission, to address the problem of conflict diamonds by participating in the Kimberley Process and implementing the Kimberley Process Certification Scheme,

*Noting* the outcomes of the fourteenth plenary meeting of the Kimberley Process, hosted in Dubai by the United Arab Emirates from 13 to 17 November 2016,[2]

*Noting also* that the plenary meeting of the Kimberley Process recognized the efforts of the Chair of the Process in 2016 and took note of his proposals to develop a methodology on the valuation of rough diamonds, establish a permanent secretariat for the Kimberley Process and establish a Civil Society Coalition fund, and emphasizing that the plenary meeting looked forward to continued discussion of those proposals under the incoming Chair,

*Expressing satisfaction* that the plenary meeting of the Kimberley Process noted the progress made in better understanding the challenges faced by some Kimberley Process Participants in ensuring that their rough diamonds were valued appropriately, and recognizing that undervaluation or overvaluation undermines the accuracy of the information on Kimberley Process certificates,

*Noting* that the plenary meeting of the Kimberley Process expressed appreciation for the special forums on valuation hosted by the Chair of the Kimberley Process in 2016, and acknowledging that the plenary meeting took note

[2] See A/71/665.

of the draft study prepared by the Organization for Economic Cooperation and Development on the challenges faced by some producing countries in the valuation of rough diamonds and thanked the Working Group of Diamond Experts subgroup on valuation for its work in mapping country approaches to the valuation of rough diamonds, which provided a comprehensive reference for all Kimberley Process Participants,

*Conscious* that a distinct but closely related issue noted by the plenary meeting as requiring attention in its own right was that of ensuring that artisanal miners received fair value for their stones and that any further work to improve valuation practices should be accessible and aim to benefit artisanal miners,

*Welcoming* the important contribution to fulfilling the purposes of the Kimberley Process that has been made and continues to be made by civil society organizations from across Participant countries, and the diamond industry, in particular the World Diamond Council, which represents all aspects of the diamond industry in the Kimberley Process, to assist international efforts to stop the trade in conflict diamonds,

*Welcoming also* the voluntary self-regulation initiatives for the diamond industry announced by the World Diamond Council, and recognizing that a system of such voluntary self-regulation contributes, as described in the Interlaken Declaration of 5 November 2002 on the Kimberley Process Certification Scheme for Rough Diamonds,[1] to ensuring the effectiveness of national systems of internal control for rough diamonds,

*Recognizing* that State sovereignty should be fully respected and that the principles of equality, mutual benefits and consensus should be adhered to,

*Recognizing also* that the Kimberley Process Certification Scheme, which came into effect on 1 January 2003, will be credible only if all Participants have the requisite national legislation coupled with effective and credible internal systems of control designed to eliminate the presence of conflict diamonds in the chain of producing, exporting and importing rough diamonds within their own territories and across their borders, while taking into account that differences in production methods and trading practices, as well as differences in the institutional controls thereof, may require different approaches to meeting minimum standards, and encouraging all Participants to work towards overall compliance with the Kimberley Process standards,

*Welcoming* the efforts to improve the normative framework of the Kimberley Process through the elaboration of new rules and procedural norms to regulate the activities of its working bodies, Participants and Observers and the streamlining of the procedures for preparation and adoption of the decisions and documents of the Kimberley Process, thereby enhancing the effectiveness of the Kimberley Process Certification Scheme,

1. *Reaffirms its strong and continuing support* for the Kimberley Process Certification Scheme[1] and the Kimberley Process as a whole;

2. *Recognizes* that the Kimberley Process Certification Scheme helps to ensure the effective implementation of relevant resolutions of the Security Council containing sanctions on the trade in conflict diamonds and contributes to the

prevention of future conflicts fuelled by diamonds, and calls for the full implementation of existing Council measures targeting the illicit trade in rough diamonds, particularly conflict diamonds which play a role in fuelling conflict;

3. *Also recognizes* the important contributions that the international efforts to address the problem of conflict diamonds, including the Kimberley Process, have made to the settlement of conflicts and the consolidation of peace in Angola, Côte d'Ivoire, Liberia and Sierra Leone;

4. *Notes* the efforts to further strengthen implementation of the Kimberley Process, including efforts to continue to examine the application of the Kimberley Process Certification Scheme requirements in cross-border Internet sales;

5. *Also notes* the decision of the General Council of the World Trade Organization of 15 May 2003 granting a waiver with respect to the measures taken to implement the Kimberley Process Certification Scheme, effective from 1 January 2003 to 31 December 2006, the decision of the General Council of 17 November 2006 granting an extension of the waiver until 31 December 2012, and the decision of the General Council of 11 December 2012 granting an extension of the waiver until 31 December 2018;

6. *Takes note* of the report of the Chair of the Kimberley Process submitted pursuant to General Assembly resolution 70/252,[2] and congratulates the Participants, industry and Observers involved in the Process for contributing to the development, implementation and monitoring of the Kimberley Process Certification Scheme;

7. *Acknowledges* the progress made by Kimberley Process working groups, Participants and Observers during 2016 in fulfilling the objectives set by the Kimberley Process to strengthen implementation of the peer review system, increase the transparency and accuracy of statistics, promote research into the traceability of diamonds, promote inclusiveness by broadening the level of involvement by Governments, industry and civil society in the Kimberley Process, foster a sense of ownership by Participants and Observers, improve information and communication flows and enhance the capacity of the Kimberley Process to respond to emerging challenges;

8. *Notes* that the annual reporting process on Kimberley Process Certification Scheme implementation is the main comprehensive and regular source of information on the implementation of the Kimberley Process provided by Participants, and calls upon Participants to submit consistent and substantive annual reports in order to conform to this requirement;

9. *Expresses appreciation* to Belarus, Cameroon, the Democratic Republic of the Congo, India, Lesotho, Sierra Leone, Turkey and the United Republic of Tanzania for receiving review visits in 2016, and welcomes their commitment to continuously open their certification systems to reviews and improvements;

10. *Acknowledges* the expressions of interest to host review visits by Botswana, Brazil, Ghana, the Lao People's Democratic Republic, Mauritius, Namibia, Norway, Panama and Togo, and calls upon other Participants to continue to invite review visits and to participate actively under the Kimberley Process peer review system;

11. *Also acknowledges* the efforts of the Kimberley Process to strengthen implementation and enforcement and, in particular, to ensure the coordination of its actions in relation to the occurrence of fraudulent certificates, to apply vigilance and ensure the detection and reporting of shipments of suspicious origin and to facilitate the exchange of information in cases of infringement, and acknowledges with appreciation the increased level of collaboration among Participants and with the World Customs Organization in this matter;

12. *Stresses* that the widest possible participation in the Kimberley Process Certification Scheme is essential, encourages Participants to contribute to the work of the Kimberley Process by seeking membership, participating actively in the Certification Scheme and complying with its undertakings, and acknowledges the importance of the increased involvement of civil society organizations in the Kimberley Process;

13. *Calls upon* the Kimberley Process Participants to continue to articulate and improve rules and procedures to further enhance the effectiveness of the Kimberley Process Certification Scheme, and notes with satisfaction the systematization of the work of the Kimberley Process with respect to developing transparent and uniform rules and procedures and improving the mechanism for consultations and coordination within the Kimberley Process;

14. *Notes with appreciation* the willingness of Kimberley Process Participants and Observers to support and provide technical assistance to those Participants experiencing temporary difficulties in complying with the requirements of the Kimberley Process Certification Scheme;

15. *Recognizes* the importance of the Kimberley Process in promoting economic development, particularly in the artisanal and small-scale diamond mining sector, and encourages an increased focus on issues related to development, including through the work of the Diamond Development Initiative, within the framework of the Kimberley Process;

16. *Welcomes* the further steps taken by the Mano River Union countries, namely, Côte d'Ivoire, Guinea, Liberia and Sierra Leone, to implement the regional approach initiative highlighted by the Security Council in its resolution 2153 (2014), in which the Council lifted the embargo on the export of rough diamonds from Côte d'Ivoire, also welcomes the continuous support to the Mano River Union countries provided by the technical team of the Working Group on Monitoring and the Friends of the Mano River Union group, in particular ongoing efforts to formalize the role of the secretariat of the Mano River Union and involve other implementing partners and/or technical assistance providers;

17. *Notes* that the plenary meeting of the Kimberley Process in 2016 acknowledged the progress made by the Central African Republic with regard to the implementation of the administrative decision and operational framework for the resumption of exports of rough diamonds from that country, welcomed the decisions of the Kimberley Process monitoring team to declare the subprefectures of Berbérati, Boda, Carnot and Nola "compliant zones" and encouraged the Kimberley Process authorities of the Central African Republic to continue to implement both the administrative decision and the recommendations contained in the report of the Kimberley Process monitoring team on its field missions to Berbérati, Boda, Carnot,

Gadzi and Nola in March and August 2016, to continue to implement enhanced vigilance measures and to ensure the traceability of rough diamonds from all four "compliant zones";

18. *Also notes* that the plenary meeting took note of a recommendation from the Panel of Experts on the Central African Republic established pursuant to the Security Council in its resolution 2127 (2013), whose mandate had been extended by the Council in its resolution 2262 (2016), to the tripartite follow-up committee of the Central African Republic and the Kimberley Process monitoring team in order to ensure continued monitoring of the freedom of movement in all compliant zones, consistent with proposed benchmarks;

19. *Further notes* that the plenary meeting welcomed the resumption of the development assistance project of the United States of America in the Central African Republic aimed at enhancing the capacity of that country and assisting it with the implementation of the administrative decision and operational framework for the resumption of exports of rough diamonds, and notes that the plenary meeting encouraged other Participants and Observers to consider providing complementary technical assistance;

20. *Notes* that the plenary meeting welcomed the initiative taken by the Central African Republic and its neighbouring Kimberley Process Participants, namely, Cameroon, the Congo and the Democratic Republic of the Congo, to ensure cooperation on Kimberley Process Certification Scheme compliance issues with a regional dimension and encouraged the Central African Republic and the Kimberley Process monitoring team to continue to work closely together with relevant United Nations actors, notably the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the Panel of Experts on the Central African Republic, as well as the international community;

21. *Expresses its appreciation* to the plenary meeting of the Kimberley Process for welcoming the resumption of participation by the Bolivarian Republic of Venezuela in the Kimberley Process, and notes that the Bolivarian Republic of Venezuela had committed to hosting a review visit no later than six months after the resumption of exports, in which Ukraine would be invited to participate, as agreed in the 2016 final communiqué of the plenary meeting;

22. *Notes with satisfaction* that the plenary meeting encouraged Gabon to invite, before the 2017 intersessional meeting, an expert mission to the country in order for it to begin its process of admission to the Kimberley Process;

23. *Notes with appreciation* the role played by the Kimberley Process Administrative Support Mechanism, hosted by the World Diamond Council in 2016;

24. *Reaffirms* the commitment of the Kimberley Process to continue dialogue on decision-making and on the definition of "conflict diamonds", in accordance with the final communiqué of the plenary meeting held in Johannesburg, South Africa, in November 2013;[3]

25. *Also reaffirms* the importance of the tripartite nature of the Kimberley Process, notes that the plenary meeting of the Kimberley Process noted that the

[3] See A/68/649.

Civil Society Coalition had decided not to attend Kimberley Process meetings in 2016 owing to a number of concerns and that the plenary expressed its desire for broad Civil Society Coalition participation in the future, welcomes in this regard that the plenary meeting of the Kimberley Process recognized the important work that civil society performed, expressed the intention to consider ways to support its robust participation and acknowledged the proposal of the 2016 Chair of the Kimberley Process to establish a multi-donor trust fund or similar mechanism acceptable to all Participants and Observers, and welcomes the acknowledgement by the plenary that representatives of the following civil society organizations attended the plenary meeting as guests of the 2016 Chair:

(a) Organisation centrafricaine pour le développement durable;

(b) Mines arts et ressources centrafricaines;

(c) Kimberley Process Follow-Up Committee in Berbérati;

(d) Association des femmes centrafricaines pour le développement durable;

(e) Good Governance Africa;

26. *Notes* that the plenary meeting of the Kimberley Process welcomed a proposal from the 2016 Chair of the Kimberley Process aimed at strengthening the structure of the Kimberley Process through the establishment of a Kimberley Process secretariat that could support the continuity and efficiency of the Kimberley Process, and stresses that the plenary meeting decided that the upcoming review cycle provided an opportunity to discuss means of improving the Kimberley Process;

27. *Acknowledges* that the above-mentioned proposal states that such a secretariat could potentially help to facilitate progress in advancing the goals and objectives of the Kimberley Process and, among other possibilities, serve as a sustained presence for maintaining contacts in countries of concern, support the Chair of the Kimberley Process in interactions with government officials and other stakeholders, and assist the Kimberley Process with regard to Participants who had been suspended and were resuming participation in the Kimberley Process, and notes in that regard that the plenary meeting looked forward to possible future ways to enhance cooperation with the United Nations system;

28. *Recognizes* that the plenary meeting noted that, for those countries seeking greater confidence with respect to their rough diamonds being valued accurately, a consistent methodology, building on comprehensive training and technical assistance for government officials, would be beneficial;

29. *Acknowledges* that the plenary noted that, according to the Chair of the Kimberley Process and some Participants of the special forums on valuation hosted by the Chair of the Process in 2016, such a methodology might comprise several elements to be used by Process Participants, including, using standardized preparation and sorting protocols for rough diamonds in preparation for valuation, drawing on contemporary transacted prices for comparable rough diamonds as much as possible and, where that was not possible, potentially developing a methodology that was based on deriving the value of rough diamonds from contemporary transactions, that was transparent in approach and objective and that drew upon industry practices, and notes in this regard that the World Diamond Council, as an

Observer, reiterated that all current and future discussions must observe competition and antitrust law;

30. *Notes* that the plenary meeting of the Kimberley Process requested that the subgroup on valuation of the Working Group of Diamond Experts invite the Organization for Economic Cooperation and Development to collaborate with the Kimberley Process to take this work forward, consistent with rules and procedures;

31. *Welcomes* the fact that the plenary meeting of the Kimberley Process noted the work of the committee on rules and procedures concerning the engagement of the Kimberley Process with external organizations and the committee's expectation to continue further discussions on this issue;

32. *Encourages* further improvement in enforcement of the Kimberley Process Certification Scheme, and notes the new efforts made to increase information-sharing and collaboration in enforcement;

33. *Notes* that the Working Group on Statistics of the Kimberley Process welcomed further discussions on the study of blockchain technology within the framework of the Kimberley Process Certification Scheme;

34. *Acknowledges with great appreciation* the important contribution that the United Arab Emirates, as Chair of the Kimberley Process in 2016, has made towards curbing the trade in conflict diamonds, and welcomes the selection of Australia as the Chair of the Kimberley Process for 2017, the European Union as the Vice-Chair for 2017 and the Chair for 2018, and India as the incoming Vice-Chair for 2018 and the Chair for 2019;

35. *Requests* the Chair of the Kimberley Process to submit to the General Assembly at its seventy-second session a report on the implementation of the Kimberley Process;

36. *Decides* to include in the provisional agenda of its seventy-second session the item entitled "The role of diamonds in fuelling conflict".